



Chatham County Planning Board Agenda Notes

Date: February 1, 2011

Agenda Item: VIII. 1.

Attachment #: 2

☐ **Subdivision**

☐ **Conditional Use Permit**

☐ **Rezoning Request**

☒ **Other: Text Amendment**

Subject:	Request for a text amendment to the Chatham County Zoning Ordinance by Lauren Thomas to reduce the minimum acreage requirement for daycare centers in the principle residence.
Action Requested:	See Recommendation
Attachments:	Application Information distributed prior to the 1-18-11 public hearing.

Introduction & Background

A public hearing was held January 18, 2011. Ms. Lauren Thomas presented the request. No one else spoke on this application and no concerns were raised during the presentation.

The Chatham County Zoning Ordinance has a Table of Permitted Uses located in Section 10. In the residential district is located a list of non-residential uses that may also be permitted by right or through conditional use permits within that district. There are three uses that deal with in-home and stand alone daycare businesses. One is for a day care center for 15 or fewer children and requires a conditional use permit to operate. One is for a day care center for more than 15 children that requires conditional use rezoning and permit. The third is for a daycare located within a principle residence that allows up to 15 children but with a three acre minimum lot size requirement. A lot size minimum is not noted on the other two options.

Discussion & Analysis

Ms. Thomas has been operating an in-home daycare for approximately three years. She wants to expand her in-home daycare, but the minimum acreage requirement does not allow her to do so because her residence is located on 1.4 acres. She stated at the public hearing that there are many state regulations that must also be met. The state does not currently have a minimum acreage requirement but does require an allotted amount of

square feet per child in the residence. Ms. Thomas stated she has met all the requirements of state and local agencies to include the Department of Child Development, the Chatham County Fire Marshal, Chatham County Building Inspections, and the Chatham County Environmental Health Division. She also stated she has found no other jurisdiction that requires a minimum lot size as great as three acres. She feels a one acre minimum will adequately meet all concerns and still allow compliance with other state and local regulations.

There were a few concerns raised at the Technical Review Committee meeting held on January 12, 2011. They consisted of a possible increase in noise. It was suggested that by reducing the amount of acreage, the buffer for the possible increase in noise would no longer be in place. The other concern was if all buildings, structures, and high intensity activity areas (such as play yard) could meet the double setback requirement. Ms. Thomas stated all setbacks could be met.

It is the planning staff recommendation to reduce the three acre minimum requirement to one acre and leave all other language as stated.

Recommendation

Planning staff recommends approval of text amendment to reduce the minimum acreage requirement from three to one with all other requirements remaining. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners.